IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.2 OF 2003

IN

ARBITRATION PETITION NO.426 OF 2002

...

Abha Gulati ...Petitioner

v/s.

Deepak Arts & Anr. ...Respondents

...

Mr.Rajiv Narula i/b M/s.Jhangiani, Narula & Associates for the Petitioner.

Mr.Milind Sathe i/b L.C.Tolat & Co. for Respondents Nos. 1 & 2.

Ms.S.Srikrishna i/b D.H.Law Associates for Respondents Nos.3 & 4.

...

CORAM: D.K.DESHMUKH, J.

DATED: 13TH MARCH,2007

P.C.:

The court on 2nd May, 2003 passed a detailed order admitting the petition for final hearing. Notice of Motion No.842 of 2004 was taken out by the intervenor, which was served on the Respondents Nos. 1 & 2. That motion was disposed of by order dated 1st April, 2004. Perusal of that order shows that the Respondents Nos. 1 & 2 were represented by lawyer. In paragraph 17, the court observes that "Notice of Motion is disposed of on the above terms. The Contempt petition be listed for hearing along with Show Cause Notice as per its turn. Ordered accordingly."

2. Therefore, under the impression that the show cause notice , after the petition was admitted, has been issued , I heard the parties finally. But it is subsequently discovered that though the petition was admitted for final hearing, office has not issued show cause notice which is required to be issued under the Rules after the petition is admitted. Office is, therefore, directed to submit a report disclosing the

reasons and circumstances why show cause notice was not issued despite there being an order of the court. It is necessary for the office to submit such a report because it has resulted in loss of considerable time of the court.

3. The petition has already been admitted for final hearing. As observed above, I have heard the parties at length. I find that the conduct of the Respondents Nos. 1 & 2 of not making the sites available despite the order of the court dated 2-12-2002 prima facie amounts to willful disobedience of the order made by the court. Office is, therefore, directed to issue show cause notice to the Respondents Nos. 1 & 2 to show cause why they should not be tried and punished for having committed contempt of this court. A copy of this order and petition to accompany the show cause notice. Show cause is made returnable after two weeks from the date of issuance. Matter be placed before the court on the date on which the show cause notice is made returnable together with the report submitted by the office.

...